

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

<b>CITIZEN COMMUNICATIONS COMPANY,</b>	)	
	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Docket No. 07-cv-113-B-S</b>
	)	
<b>BARRETT PAVING MATERIALS, INC.</b>	)	
<b>et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER GRANTING STAY OF ACTION**

Before the Court are the following motions: (1) Defendant Guilford Transportation Industries, Inc. and Maine Central Railroad Company’s Motion to Dismiss, and, in the Alternative, Motion for a More Definite Statement (Docket # 42), (2) Defendant United States’ Motion to Dismiss, or, in the Alternative, for Stay Pending Adjudication by the First Circuit (Docket #s 54 & 55) and (3) Defendant Barrett Paving Materials, Inc. and Beazer East Inc.’s Motion to Dismiss or, in the Alternative, for Stay (Docket #s 61 & 63). Having reviewed all of the papers filed in connection with these motions, the Court has determined that the proper course is to GRANT A STAY as alternatively requested by multiple defendants. (See Docket #s 55, 63 & 64.)

This case is the product of the Court’s recent prior rulings in the related matter of Bangor v. Citizens (Docket No. 1:02-cv-183-GZS); that case is now on appeal to the First Circuit. As Citizens itself admits, the final judgment in Bangor v. Citizens serves as the foundation for the claims asserted here.<sup>1</sup> Thus, the appeal of that final judgment will

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<sup>1</sup> See Pl.’s Opp’n to Mot. to Dismiss (Docket # 65) at 4 (describing the Consent Decree in Bangor v. Citizens as “foundational” to Counts II and III of the Complaint in this case); Citizens Opp’n to Mot. to Extend Briefing Deadlines (Ex. 3 to Docket # 69) at 7 (“If the Consent Decree is affirmed, Citizens’ claims

undoubtedly impact this case and undoubtedly has the potential to moot this case entirely. Under these circumstances, allowing this case to proceed before the appeal is resolved risks conflict and confusion as well as an unnecessary expenditure of resources by the litigants and this Court. Considering the entire procedural history of these claims, the Court sees no prejudice in staying this case, which represents the next phase of this complex matter, until the final judgment in Bangor v. Citizens is, in fact, final.

In conjunction with the decision to stay this action, the Court hereby DENIES WITHOUT PREJUDICE Defendant Guilford Transportation Industries, Inc. and Maine Central Railroad Company's Motion to Dismiss, and, in the Alternative, Motion for a More Definite Statement (Docket # 42), Defendant United States' Motion to Dismiss (Docket # 54) and Defendant Barrett Paving Materials, Inc. and Beazer East Inc.'s Motion to Dismiss (Docket # 61). These rulings are made without prejudice to the parties refiling these motions when the stay is lifted.

The Defendants' requests for a stay (Docket #s 55 & 63) are hereby GRANTED. This case shall be STAYED until the Court's receipt of the First Circuit's Mandate in Docket No. 1:02-cv-00183-GZS. Upon receipt of a mandate, the Court will issue further appropriate orders. Nothing in this order shall prevent the parties from pursuing mediation or alternative dispute resolution to the extent they might desire to do so while a stay is in effect.

**SO ORDERED.**

/s/ George Z. Singal  
U.S. Chief District Judge

Dated the 4th day of December 2007.

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against [Defendants] may proceed one way; if not, they may proceed differently.”)